



ILLINOIS POLLUTION CONTROL BOARD

Board Acts on Concerns Regarding Coal Ash Waste from Electric Generating Plants

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The Illinois Pollution Control Board today responded to public concerns regarding coal ash waste ponds at electric generating plants in Illinois. The Board denied the Illinois Environmental Protection Agency's (IEPA) request to indefinitely delay consideration of proposed rules to regulate coal ash ponds. The Board also ordered the IEPA to answer specific questions regarding coal ash pond regulation, including the new USEPA regulations that became effective in October 2015.

The Board's order came in response to an IEPA request for an indefinite stay of the proceedings because of potential legal and legislative action regarding the USEPA rules. Contemporaneously, environmental groups, including the Prairie Rivers Network, the Sierra Club, and the Environmental Law & Policy Center, filed proposed rules to address the coal ash pond issues and asked the Board to reopen the case to consider their proposals.

"The Board's action today denies the indefinite delay," said Chairman Gerald M. Keenan. "The Board gives IEPA 120 days to provide answers to specific questions posed by the Board. During that same period, the environmental groups are required to provide pre-filed testimony and other supporting documentation regarding their proposal."

"The Board historically denies requests for indefinite stays. During the 120-day stay we granted today, we should get a clearer view of the federal rule's effect and the likely outcome of legislative and judicial attempts to modify it. Furthermore, interested parties will have time to examine how state rules on coal ash waste can complement the federal rule," said Jerry O'Leary, the lead Board Member for the rulemaking.

"Many parties, both utilities and environmental groups, as well as many public commenters have raised important issues concerning the potential gap between state and federal regulations," said Chairman Keenan. "We originally stayed the proceedings to consider how the new federal rule affects our efforts, which began in 2013. Today's order grants IEPA time to further evaluate the federal rule. At the same time, the order reiterates that all rulemaking proposals presented to the Board must be adequately supported by testimony and evidence."

Filings from both IEPA and the environmental groups will be due to the Board on March 4, 2016.

The Illinois Pollution Control Board considers and adopts Illinois' environmental rules, based upon the Environmental Protection Act and other Illinois laws. It also decides a broad variety of environmental cases, many of which are highly technical in nature. The Board is headquartered in Chicago, with an office in Springfield.

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